REMARKS/ARGUMENTS

Claims 33, 35 and 53 are currently pending in the above-identified application. In section 3 of the office action, the Examiner has rejected claims 33 and 53 as being obvious over Ibrahim (US3,325,876) in light of Morman (US 5,116,662). The Examiner stated that Ibrahim teaches stretching the elastic fiber, then heating the elastic fiber until the crystals are molten pointing to Column 2, lines 40-59 for support (see page 3 lines 7-8 of the Offie Action). The Applicants respectfully contest this assertion.

Ibrahim teaches a heat-setting treatment, but emphasizes that the treatment "should be of a relatively mild order" (column 2 line 48-49) and warns against being "so severe as to permanently stabilize the elastic fibers" (column 2, lines 49-51). There is no mention of molten crystallites. Moreover it is clear that it is not the intent of Ibrahim to require molten cyrstallites and in fact it should be noted that the materials in the examples would not have any molten cyrstallites.

The elastic fibers in the examples of Ibrahim are spandex. As is known in the art, and as is shown in the attached document entitled, "Elastic Fabrics", which was published in conjunction with the the American Association of Textile Chemists and Colorists' November 1998 symposium, spandex fibers comprise segmented polyurethanes. As is also known in the art, segmented polyurethane polymers decompompose rather than melt at higher temperatures. This is also seen in the attached document at page 5 lines 7-9. Accordingly, contrary to the Examiner's assertion, it is clear that the fibers in the examples of Ibrahim are not heated until the crystallites are molten.

Furthermore, Morman does not cure the defect of Ibrahim by providing any teaching or suggestion to heat the fibers to a point at which at least some of the crystallites are molten. Rather Morman was used by the Examiner to show that elastic fibers are known to recover at least 50% of its length after stretching. The Applicants do not contest that such fibers are known, but respectfully point out that the "elastic" materials taught in Morman primarily relate to sheets rather than fibers, particularly as the claims require the elastic material to be capable of stretching in at lest two directions.

Accordingly, as neither Ibrahim nor Morman teach or suggest heating the fibers while under a biasing force to a temperature at which at least some of the crystallites are molten, the Examiner is kindly requested to reconsider and withdraw this rejection.

In section 4 of the Office Action, the Examiner has rejected claim 35 as being unpatenteble over Ibrahim in view of Morman as previously applied to claim 33, in further view of Kahlish (US2,037,512). As indicated above, Ibrahim and Morman fail to teach or suggest heating heating the fibers while under a biasing force to a temperature at which at least some of the crystallites are molten. Kahlish is also silent as to this aspect, and was instead used to demonstrate that it was known to use yarn to make warp beams. Accordingly, the applicants courteously request that the rejection of claim 35 also be reconsidered and withdrawn for the same reasons as stated above.

Respectfully submitted,

/James T. Hoppe/

James T. Hoppe
Registration No. 35,899
Phone: (979) 238-9039

P. O. Box 1967
Midland, MI 48641-1967
JTH/mr